

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KIMBRA CRISWELL,)	
)	
Plaintiff,)	
v.)	C.A. No. 05-CV-00321 GMS
)	
LYDIA ADAIR MCFADDEN and CHRISTIANA)	JURY TRIAL DEMANDED
CARE HEALTH SERVICES, INC.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION IN *LIMINE* TO PRECLUDE PLAINTIFF FROM
PRESENTING PAST MEDICAL BILLS NOT IN EVIDENCE**

WHITE AND WILLIAMS LLP

/s/ Deborah J. Massaro
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Health Services, Inc.*

Date: March 30, 2007

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KIMBRA CRISWELL,)	
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Plaintiff,)	
v.)	C.A. No. 05-CV-00321 GMS
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LYDIA ADAIR MCFADDEN and CHRISTIANA)	JURY TRIAL DEMANDED
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)	
Defendants.)	

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Defendants, Lydia Adair McFadden and Christiana Care Health Services, Inc., hereby respectfully request that the Court enter the attached order precluding Plaintiff from presenting past medical bills not previously presented in evidence. In support of their motion, Defendants state the following:

1. This case is a personal injury action in which Plaintiff alleges that she sustained injuries to her left ankle, foot and knee which occurred during a work related incident on May 23, 2002 at Christiana Hospital.¹ Plaintiff seeks compensatory damages, lost wages and medical bills.

2. Through the course of Discovery, Plaintiff provided medical records and bills to Defendants. These records reflect total past medical bills in the amount of \$25,593.50, and all have been paid by Plaintiff's workers' compensation carrier.

¹ Pending before the Court is Defendants' Motion for Summary Judgment based on the workers' compensation exclusivity bar. See Dkt. No. 35.

3. Pursuant to the Court's Trial Scheduling Order the Discovery Cut-Off date was October 11, 2006. Throughout the course of Discovery plaintiff submitted no other medical bills.

4. Thus, Plaintiff should not be permitted to present medical bills at trial that are not in evidence.

WHEREFORE, Defendants, Lydia Adair McFadden and Christiana Care Health Services, Inc., respectfully request that this Honorable Court enter an order limiting the amount of Plaintiff's past medical bills to the total of those in evidence, or \$25,593.50.

Respectfully submitted,

WHITE AND WILLIAMS LLP

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CERTIFICATE OF SERVICE

I, Deborah J. Massaro, Esquire, do hereby certify that on this 30th day of March, 2007, two copies of **DEFENDANTS' MOTION IN LIMINE TO PRECLUDE PLAINTIFF FROM PRESENTING PAST MEDICAL BILLS NOT IN EVIDENCE** were served via electronic filing and delivered U.S. First Class Mail, postage prepaid upon the following:

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